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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,309	07/13/2006	Christopher Temple	SCI2401EM	4979
23125	7590	07/13/2009		
FREESCALE SEMICONDUCTOR, INC.				EXAMINER
LAW DEPARTMENT				GUYTON, PHILIP A
7700 WEST PARMER LANE MD:TX32/PL02			ART UNIT	PAPER NUMBER
AUSTIN, TX 78729			2113	
			NOTIFICATION DATE	DELIVERY MODE
			07/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USADOCKETING@FREESCALE.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,309	<b>Applicant(s)</b> TEMPLE, CHRISTOPHER
	<b>Examiner</b> PHILIP GUYTON	<b>Art Unit</b> 2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 April 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 10-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,5,6,10,11,15-18 and 20 is/are rejected.  
 7) Claim(s) 2-4,12-14 and 19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: figure 3, items 361, 371, 381; figure 4, items 401, 402, 411, 412, 421, 422, 431, 432, 441, 442, 451, 452, 461, 462, 471, 472, 481, 482, 493, 498; figure 5, items 501, 502, 511, 512, 521, 522, 531, 532, 541, 546, 551, 556, 561, 562, 571, 572, 581, 582, 590-595. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference characters in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 16 recites the limitation "the bus guardian." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5, 6, 10, 11, 15-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,124,316 to Kopetz et al. (hereinafter Kopetz).

With respect to claim 1, Kopetz discloses an arrangement for connecting a node in a distributed system containing fail-uncontrolled nodes, the arrangement comprising:  
a receiver for receiving signals from another node of the system (column 3, lines 57-61), and

a node guardian coupled to the receiver (column 3, lines 4-10 and lines 61-66) to control selectively reception according to a predetermined TDMA schedule of a

message thereat so as to reduce reception of uncontrolled transmission from another node of the system (column 2, lines 30-39 and column 2, line 52-column 3, line 3).

With respect to claim 5, Kopetz discloses a distributed system comprising the arrangement according to claim 1 (abstract).

With respect to claim 6, Kopetz discloses at least one node having bus guardian (column 3, lines 55-57 and figure 1).

With respect to claim 10, Kopetz discloses wherein the system is one of A-B: A a TTP/C system, B a FlexRay™ system (column 1, lines 33-59).

With respect to claim 11, Kopetz discloses a method of operating a node in a fail-uncontrolled distributed system, the method comprising:

providing a receiver receiving signals from another node of the system (column 3, lines 57-61), and

providing a node guardian coupled to the receiver (column 3, lines 4-10 and lines 61-66) and controlling selectively according to a predetermined TDMA schedule reception of a message thereat so as to reduce reception of uncontrolled transmission from another node of the system (column 2, lines 30-39 and column 2, line 52-column 3, line 3).

With respect to claim 15, Kopetz discloses a method of operating a distributed system comprising the method of operating a node according to claim 11 (abstract).

With respect to claim 16, Kopetz discloses providing at least one node having the bus guardian (column 3, lines 55-57 and figure 1).

With respect to claim 17, Kopetz discloses:

operating a first node according to claim 11 (figure 1, V1),  
operating a second node according to claim 11 (figure 1, V2),  
providing a first group of nodes having respective bus guardians (figure 1, K1),

and

providing a second group of nodes having respective bus guardians (figure 1, K2),  
wherein the first group is coupled to the first and second nodes via a first common channel (figure 1, C11, C12 and figure 2), and the second group is coupled to the first and second nodes via a second common channel (figure 1 and figure 2), the first group and the first node forming a first error containment region, and the second group and the second node forming a second error containment region (column 2, line 62-column 3, line 10 and column 4, lines 18-24).

With respect to claim 18, Kopetz discloses the first group further being coupled to the first and second nodes via a third common channel (figure 1, C11, C12 and figure 2), and the second group further being coupled to the first and second nodes via a fourth common channel (figure 1 and figure 2).

With respect to claim 20, Kopetz discloses wherein the system is one of A-B: A a TTP/C system, B a FlexRay™ system (column 1, lines 33-59).

***Allowable Subject Matter***

7. Claims 2-4, 12-14, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 30 April 2009 have been fully considered but they are not persuasive. Applicant argues Kopetz does not teach or suggest a node guardian to control selectively reception according to a predetermined TDMA schedule of a message thereat, as recited in the amended claims. The examiner respectfully disagrees. Kopetz teaches guardians located between each output of a node computer and each input of a distributor unit (column 3, lines 61-64). The guardians correct "slightly off specification" (SOS) faults within the Time-Triggered Protocol (TTP/C) network (column 2, line 49-column 3, line 3), wherein an SOS fault is caused by message with signals slightly outside the required time domain (column 2, lines 27-39). Since TTP is based on TDMA timing (see Wikipedia definition for TTP), Kopetz clearly discloses selective control of reception according to a predetermined TDMA schedule, as recited in the claims.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP GUYTON whose telephone number is (571) 272-3807. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip Guyton/  
Examiner, Art Unit 2113

/Robert W. Beausoliel, Jr./  
Supervisory Patent Examiner, Art Unit 2113